Scott. II-27—45,806—18-12-29.

Revenue (1933) Department.

M5 SERIES.

G.O. No. 146

DATED 25/1/1933

[Despatch Abstract.]

Roads

Road margins - width (South Kanara)

Legislative Council. Question - Papers regarding

Council Office
19-9-32

Starred question.

Mr.U.C.Subrahmanya Bhatt.

THE REVENUE DEPARTMENT.

*426. Will the Hon.the Member for Revenue be pleased to state:-

(a) whether ~~it is a fact that~~ there is ~~no any~~ rule limiting road margins to half a chain on either side of the road in the case of District Board and Taluk Board roads; if so what the orders of the Government are in the matter of road margins;

(b) whether it is a fact that the District Board and Local Boards of South Kanara insist upon having road margins of half achain or even more on either side of the road contrary to the orders of the Government and have filed numerous complaints against owners of adjacent lands who have made vast improvements over portions of land registered as poramboke but really kumki from time immemorial; if so how many such complaints have been filed by each of the local boards during the last two years; ~~and what is the distance of each of such occupation from the side of the road concerned?~~

(c) whether any of the aggrieved persons petitioned to the Collector of South Kanara or the Revenue Board against the tyranny of local board ~~ag~~ Presidents praying for relief; if so, how many such petitions have been received and what action has the Collector or the Revenue Board taken thereon?

Revenue Department.

O.M.No.3164-F/32-2, dated 6-10-32

Roads - Road margins - Width - (South Kanara) - Legislative Council Question.

The Board of Revenue is requested to report

(i) whether it is a fact that the District Board and Local Boards of South Kanara District insist upon having road margins of half a chain or more on either side of land actually covered by roads in the district;

(ii) whether there are lands in that district which though they have been registered as road poramboke, but are really kumki from time immemorial; and

(~~iii) whether the owners of adjacent lands have in any way improved any~~ have been improved by the owners of land adjacent ~~these lands;~~

(iii) (~~iv~~) whether the local boards have filed any complaints against such owners;

(iv) if so, how many such complaints have been filed by each of the local boards during the last two years;

Revenue Department.

L. C. Question No.426 - Starred.

Question.

Mr. U.C.Subrahmanya Bhatt.

426. Will the hon. the Member for Revenue be pleased to state:-

(a) whether there is any rule limiting road margins to half a chain on either side of the road in the case of District Board and Taluk Board roads; if so, what the orders of the Government are in the matter of road margins:

(b) whether it is a fact that the District Board and Local Boards of South Kanara insist upon having road margins of half achain or even more on either side of the road contrary to the orders of the Government and have filed numerous complaints against owners of adjacent lands who have made vast improvements over portions of land registered as poramboke but really kumki from time immemorial; if so how many such complaints have been filed by each of the local boards during the last two years;

(c) whether any of the aggrieved persons petitioned to the Collector of South Kanara or the Revenue Board against the tyranny of local board Presidents praying for relief; if so, how many such petitions have been received and what action has the Collector or the Revenue Board taken thereon?

Draft Answer.

(a) There is no rule fixing a limit for the width of road margins. The orders of the Govt are that during resurvey, a reasonable width, which should usually be one chain or such smaller width as the poramboke field permits, but should not be less than the actually existing width on the ground of the road, should be demarcated as road poramboke to serve both as the road proper as road margin.

(b) The Govt have not the information but I have called for a report.

Dpd. by Vun Post Manager

Dpt's. initials

Date

4

(338)

Legislative Council Question No. 426 - Starred.

Mr. U.C. Subrahmanya Bhatt.

Will the Hon'ble the Member for Revenue be pleased to state -

(a) whether there is any rule limiting road margins to half a chain on either side of the road in the case of District Board and Taluk Board roads; if so, what the orders of the Government are in the matter of road margins;

(b) whether it is a fact that the District Board and Local Boards of South Kanara insist upon having road margins of half a chain or even more on either side of the road contrary to the orders of the Government and have filed numerous complaints against owners of adjacent lands who have made vast improvements over portions of land registered as poramboke but really kumki from time immemorial: if so how many such complaints have been filed by each of the local boards during the last two years;

(c) whether any of the aggrieved persons petitioned to the Collector of South Kanara or the Revenue Board against the tyranny of local board Presidents praying for relief; if so, how many such petitions have been received and what action has the Collector or the Revenue Board taken thereon?

Revenue Department.

ANSWER.

(a) There is no rule fixing a limit for the width of road margins. The orders of the Government are that during resurvey, a reasonable width. which should usually be one chain or such smaller width as the poramboke field permits, but should not be less than the actually existing width on the ground of the road, should be demarcated as road poramboke to serve both as the road proper and as road margin.

5/94

(b) and (c).- The Government have not the information but have called for a report

Fort St.George,
Dated the 24th October 1932.

J.A. Thorne,
Secretary to Government.

To the Legislative Council Office.

The above answer has been approved by
The Hon'ble Sir Archibald Campbell, K.C.I.E.,C.S.I.,C.B.E.,V.D.,I.C.S.,

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F o r w a r d e d
(By Order)

B. S. Ramachandra Aiyar
Superintendent.

ASR.25/10.

Answered on 28th/11/32

Limit of road margins in the case of District and Taluk Board roads.

)-32 22-9-32 27-10-32

338—

* 426 *Q.*—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there is any rule limiting road margins to half a chain on either side of the road in the case of District Board and Taluk Board roads; if so, what the orders of the Government are in the matter of road margins;

(*b*) whether it is a fact that the District Board and Local Boards of South Kanara insist upon having road margins of half a chain or even more on either side of the road contrary to the orders of the Government and have filed numerous complaints against owners of adjacent lands who have made vast improvements over portions of land registered as poramboke but really kumki from time immemorial; if so, how many such complaints have been filed by each of the local boards during the last two years; and

(*c*) whether any of the aggrieved persons petitioned to the Collector of South Kanara or the Revenue Board against the tyranny of local board Presidents praying for relief; if so, how many such petitions have been received and what action has the Collector or the Revenue Board taken thereon?

338 426—

A.—(*a*) There is no rule fixing a limit for the width of road margins. The orders of the Government are that during resurvey, a reasonable width, which should usually be one chain or such smaller width as the poramboke field permits, but should not be less than the actually existing width on the ground of the road, should be demarcated as road poramboke to serve both as the road proper and as road margin.

(*b*) & (*c*) The Government have not the information but have called for a report.

b/

Answered on 3/11/32

Limit of road margins in the case of District and Taluk Board roads.

* 338 *Q.*—Mr. U. C. SUBRAHMANYA BHATT:—"Will the hon. the Member for Revenue be pleased to state—

(*a*) whether there is any rule limiting road margins to half a chain on either side of the road in the case of District Board and Taluk Board roads; if so, what [illegible] of the Government are in the matter of road margins;

(*b*) whether it is a fact that the District Board and Local Boards of South Kanara insist upon having road margins of half a chain or even more on either side of the road contrary to the orders of the Government and have filed numerous complaints against owners of adjacent lands who have made vast improvements over portions of land registered as poramboke but really kumki from time immemorial; if so, how many such complaints have been filed by each of the local boards during the last two years; and

(*c*) whether any of the aggrieved persons petitioned to the Collector of South Kanara or the Revenue Board against the tyranny of local board Presidents praying for relief; if so, how many such petitions have been received and what action has the Collector or the Revenue Board taken thereon?

A.—(*a*) There is no rule fixing a limit for the width of road margins. The orders of the Government are that during resurvey, a reasonable width, which should usually be one chain or such smaller width as the poramboke field permits but should not be less than the actually existing width on the ground of the road, should be demarcated as road poramboke to serve both as the road proper and as road margin.

(*b*) & (*c*) The Government have not the information but have called for a report

Revenue DEPARTMENT. C.F. 31

CURRENT No. 183F 33

Received 15 JAN 1933 Registered 16133 19

Subject.

Roads - Road margins - Width - (South Kanara)

Legislative Council question - Report submitted.

ENCLOSURES.
No.
Spare copies

Routine - No. 135

Station Madras, *Dated the* 10th January 1933.

From A.R. MacEwen Esq.; M.C.,I.C.S.,
Secretary,
Land Revenue and
~~The~~ Board of Revenue, ~~Revenue~~ Settlement, ~~etc.~~
~~Separate Revenue.~~

The Hon'ble Mr.C.B.Cotterell,C.I.E.,I.C.S.,
Commissioner of Land Revenue.

~~Resolution~~
~~Reference.~~

Read the following.-

From the Government, Revenue Department, O.M.No. 3164-F/32.2, dated 6th October 1932.

ii

Board's Refce.No.B. 5636-32-1 dated 13-10-32

iii

Letter from E.M. Gawne Esq.,I.C.S., Collector of South Kanara, D.Dis.No. 9428-32 dated 14th December 32.

Resolution.-

The Board submits its report on the several points raised by the Government.-

Point

Point (i).- The Board submits a copy of the Circular R.Dis.No. 5682-30 dated 19-8-30 issued by the Collector of South Kanara regarding the disposal of encroachments on roads and road margins. In it a margin of one chain on either side has been fixed for all roads passing through assessed waste lands not forming Kumki. The margin for roads running through Kumki lands is half a chain on either side according to the District Circular approved in G.O.No. Mis. 2060 Rev., dated 6-12-26. The District Board and Local Boards of South Kanara insist on having full road margins allowed under the rules.

Point(ii).- There are some such lands the details of which are given in the statement submitted by the Collector (enclosed).

Points (iii and iv).- Seventeen complaints have been filed by the local boards against the encroachers. Information is not available in respect of 4 cases. In 8 cases, the District Board has issued notices to the encroachers to remove the encroachments.

Points(v and vi).- The encroachers filed petitions before the Collector of South Kanara in six cases against the action of the Presidents of the Local Boards. Two were rejected, 3 are under enquiry and in the remaining case, the plot has been leased out to the encroachers. No petitions were received by the Board of Revenue.

(True extract)

for Secretary. 4-7-33

To the Secretary to Government, Revenue Department with three enclosures.

M.K.G/12.1.

Copy of letter from E.M.Gawne Esquire, I.C.S., Collector of South Kanara, D.Dis.No. 9428-32 dated 14th December, 1932.

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Roads-Road margins-Width-Legislative Council question-Report submitted.

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Board's reference B.5636/32-1 dated 13th October, 1932.

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I enclose a copy of the circular R.Dis. 5682-30 dated 19th August 1930 issued from this office reggrding the disposal of encroachments in roads and road margins. In it a margin of one chain on either side has been fixed for all roads passing through assessed waste lands not forming kumki. The margin for roads running through Kumki lands is half a chain on either side as per District circular approved by the Government in G.O.Misc.2080, Revenue Department, dated 6.12.1926 communicated in B.P.No.Misc.2926, dated 14-12-1926. The local boards including the District Board always insist on having full road margins allowed under the rules.

2. Answers to question ii to vi have been given in the statement enclosed. The local boards have been able to supply no information. When petitions are received from the aggrieved parties against the action of the local boards, they are disposed of according to merits of the cases, after consulting the local officers and the local boards concerned.

3. I submit that questions like this can be asked easily, but it is a matter of considerable labour to provide even the fragmentary reply which is now sent. It is not practicable to search the records of the Collectorís office for an indefinite number of years to find out whether any individual has protested against a local board merging private land in road poramboke. But at least it is certain that for every such case there are dozens of cases of individuals merging poramboke in private lands.

R.Dis. 5682-30.

G.W. Wells Esq.,M.A.,I.C.S.,

Collector of South Kanara.

C I R C U L A R.

Encroachments - Roads - road margins - assignments - authority of Local Boards - defined.

-

In supersession of all previous orders issued on the subject, the Collector informs all Revenue Divisional Officers, Tahsildars and Deputy Tahsildars that, until the resurvey of roads, paths, etc. is done in accordance with G.O.No. 1378, Revenue, dated 26th June 1928 communicated with B.P.No. 78, Press (L.R & S), dated 31st July 1928, all lands registered as road porambokes and vested in -- Local Boards, irrespective of whether they lie within or beyond 22 yards from the centre of the actual road way, will be controlled by the Local Boards concerned.

2. The Revenue Officers need not institute proceedings under the Land Encroachment Act in respect of encroachments found on such lands, but will continue to report ~~them~~ their existence to the President of the Board concerned. In cases where the occupation consists of old and expensive improvements which cannot be removed without serious hardship to the encroachers, the Revenue Officers should report the facts to the Collector so that he may address the President of the Local Board in the matter.

3. The Revenue Department will have to deal with

encroachments

encroachments on roads vested in Local Boards, where the Local Boards have lost their rights by 30 years' adverse possession or occupation by the trespasser. as in the -- opinion of the Government the sites of the encroachments must be deemed to have reverted to Government. But the provisions of the Land Encroachment Act can be enforced only in cases where such reversionary rights of Government are not time-barred. The Revenue Officers, are, therefore, requested to take action whenever they detect such cases or whenever such cases are brought to their notice by the Local Boards. Their attention is, however, invited to B.P. 1079 misc. dated 23-6-1922 communicated with this office D.Dis.No.C. 5668-22-V.7, dated 17-9-1922 which lays down that such -- action may most conveniently be taken at a general re-settlement unless some particular reason arises in the meantime for taking such action earlier, for example a case in which there is reason to apprehend that the rights of Government may be time-barred if the resettlement is awaited for taking action.

4. As it often happens that unauthorised occupations are made on assessed waste which falls within 22 yards from the centre of the road, and as the Local Boards cannot remove encroachments in assessed waste, all Revenue Officers are instructed to see that no assignments of land at the disposal of Government which falls within 22 yards from the centre of a road are made without obtaining the Collector's orders. Such orders of the Collector should not be sought unless the refusal to assign is likely to cause real hard-

ship

Mangalore Taluk

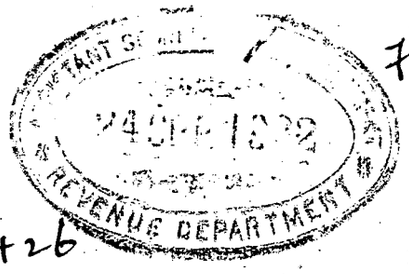
Kuthethoor	55/13A	Only 4 cents encroached upon. Value of the encroachment is Rs.20.	Information not available.	No	Nil
Surathkal	17-1	Area brought under cultivation is one cent Value of the improvements is Rs.5/-.	No	No	Nil
	204/1B	do value is Rs.3.	Information not available.	No	Nil
	296/1E	do Value is Rs. 15		No	Nil
Badagayekkar	44/2	-do- 5 cents value of the improvements is Rs.25.	Yes by the Local Board (2)	No	Nil
Kalavar	10/2	-do- 4 cents value of the improvements is Rs.10/-.	No	No	Nil
	24/2	Area of the extent occupied is 6 cents value of the improvements Rs.5.	No	No	Nil
Kulai	7/3A	-do- 17 cents Value of the improvements Rs.20.	No	No	Nil
	33/2	-do- 7 cents Value of the improvements - Rs.15.	Yes by the Dt. Board. (3)	The aggrieved party filed a petition for the assignment of the plot in 1921.	The papers have been destroyed. Hence information not available.
Baikampadi	49/2	-do- 5 cents Value of the improvements is Rs.8/-.	do (4)	do	do

Statement showing the particulars of lands which are registered as road poramboke though they have really been kumaki from time immemorial and have been improved by the owners of the land adjacent.

Name of the village.	S.No. of the land and value after improvements. S.No.	Cost of improvements and other particulars.	Whether the local boards have filed any complaints against such owners.	Whether the aggrieved person submitted a petition to the Collector	Action taken by the Collector.	Remarks.
			Coondapoor Taluk			
			N i l.			
			Udipi Taluk.			
Perdoor	S.No. 47	Stone wall Rs. 50.	No.	No.	Nil	
	S.No.154	Mud wall & fence Rs.25	No.	No.	Nil	
	S.No.160	do. Rs.25	No.	No.	Nil	
	243/1A	do. Rs.10	No	No	Nil	
Bommarbettu	111/2A	Fence of thorns	The Dt.Board has recently launched criminal Proceedings against the adjacent pattadar.	No.	Nil	
			Karkal Taluk.			
			N i l			

Portions of S.No. 23 of Kuchur village, S.No.172, 91, 179, 181, 175, 57/A1A, 185, 48 198,186,82,187,67/1A & 194 of Hebri village, 11 & 12 of Chara Village, ~~11x&x12x&x~~ S.Nos.108 & 11 of Kerebettu village and S.Nos.35,39,8,43 52,99/1,118,120/1,121,122 & 123 of Nadpal form kumki to the adjoining kadim lands but they do not contain any improvements.

Katkukke	S.No. 4	Value of the improvements	Rs. 25/-	(16) Yes, by the Dt.Board.	No.	Nil	
	,, 103	do	Rs.30/-	A notice has been issued by the Dt.Board to remove the encroachment.	No	Nil	
Perdal	,, 1223/1	do	Rs.50/-	No	No	Nil	
	,, 1223/2	do	Rs.50/-	No	No	Nil	
Kasargod	,, 93	do	Rs.25/-	(17) Yes, by the Dt.Board.	No	Nil	
	,, 124	do	Rs.30	(18) do	No	Nil	
	,, 81	do	Rs.1200/-	(19) do	Yes	The plot has been leased out to the encroacher.	
	,, 49/1	do	Rs. 500/-	A notice has been issued by the Dt. Board to remove the encroachment.	No	Nil	
	,, 342	do	Rs. 25/-	do	No	Nil	The encorachment has since been removed.



F3 Rev 316 F
24 9 32

Question No 426 for the meeting of the Legislative Council to be held on the 31-10-32

Submitted that two copies of the Question may be forwarded to the ~~xxxxxxxx~~ Rev Department.

The question has been admitted.

AS
22/9

22/9/32

U.O.No. dated

To

The Rev Department

~~Question~~ Rules ~~is a matter which does not arise in~~ Rev Dept
~~Govt or Government~~ ~~or Explain~~ ~~in what provision under the~~ etc
Please see the L.C. Question at p1 c

It is starred

2 clause (a)

There is no rule limiting road margin
to half a chain on either side of a district board o
A on p1 of (B) taluk board roads. In para 3 of G.O. 1713 Rev. 07. 8-10-2
the Govt directed that a definite reasonable width
(one or two chains as the case may be or such small
width as the poramboke field permits) not less
than the actual existing width on the ground
of the road, path, etc., should be demarcated

1?/ C

is the road, path, etc. Subsequently in G.O. No. 524 Rev. dt 11-1-1927, the Govt considered that the width one or two chains was unnecessarily large & directed that the width of one chain prescribed in B.S.O. No. 15 was sufficient subject however, to the condition that the width adopted should not be less than the actual existing width on the ground of the road, path, etc. In reply to a reference from the P.D.B North Arcot requesting the Govt to fix the width of each class of roads, the Govt in their order No. 112 dt/ dt 11-1-32 considered it unnecessary to fix the minimum width of the roads. These orders relate to the width of the road as a whole. In the circumstances, it is for orders, whether the answers to clause(a) of the question may be "There is no rule prescribing ~~the practice~~ a limit for the width of road margins. The orders of the Govt are that during resurvey, a reasonable width which should usually be one chain or such smaller width as the Tah for. field permits, but shd be not less than the actually existing width of the road shd be demarcated as road proper to serve both as the road proper & road margin

clauses (b) etc.

No information is available in this dept regarding these two clauses. [For orders whether, L.S.G. may be asked to say if they have any information or whether the Board of Rev. may be asked to reform on these two clauses.

para 2 of 4(c)

B.S.O. 15(2) - p 38 of BE Vol I (Ex ed)

Appl-2 of (F)

p 21 of (F)

16.9.32

16.9.32
S

Starred.
Thro' E
26/9/32 16/9/32

26/9/32
8m
26/9/32

42695

Thro L.S.G. any information

Rev wo No 3104 F 32
Date 27/9/32

L.S.G.

L.S.G

No information is available in this Dept. also Revenue may be informed accordingly.

Through Messrs. S&R
8/10-32
G.S.R
2/10/32

1C
1/10

With refee to clause (a) it may be noted that according to the specification drawn up in 1922 by the C.E. for trunk roads, the metalled portion of the road should be from 12 to 20 feet with an unmetalled footpath of 7 feet wide on either side and side berm of 10 to 15 feet wide on either side. ~~but these widths are not suited to the modern conditions.~~ Revenue may perhaps consult P.W.D. also on the point, if necessary.

Vide Go No 2452 dtd 8-12-22 (X)

8R
1/10/32

Ser
4/10

W.O 42695-1.C.Lm
4/10/32

Rev
3/10/32

Sec
Rev. no

C1
1/10

Rev.

Draft to Bd on (b) Hc)
Another file is lying over in another office I think.

X 1

SECRETARIAT SECRETARIAT 2 OCT 1932 REVENUE DEPARTMENT

Rev 33 18F
5/10/32

G.O.W.S.

A draft o/m to the Board is delemitted for approval.

2. The file referred to at x above is

* Since disposed of in Rev No 2826 F 32-1
20/10/32

Limited Indian...

Thro' E

OK.
6/10/32

6.10.32
S

6/10

Issued as O.M. No. 3 Home (Pol) dated 7.10.32 Pb 2-3 cf

Gow. 3.

Please see the L.C.A at p 1 cf & the O.M to the Board at Pb 2-3 cf. The O.M was issued only on 7.10.32 from the nature of the O.M it will be seen that it is not likely that a reply to it will be received by the close of the ensuing Legislature Council meeting. It does not therefore seem necessary to apply to the L.C.O for extension of time for orders whether a draft interim reply may be sent to the L.C.O. The draft reply below is for approval. After receipt of reply from the Board, full information may be furnished to the M.L.C. either through a letter or by placing it on the table at the time of the next council meeting.)

p 3 cf

or finally by the 15th meeting Nov.

The figures given in L.C. rules at 3 are not with us under the head with which Tax is concerned

Thro' E

OK
24/10/32

24.10.32
S

24/10

24/10/32

Circ. 24.10.32

C3 All 24.10.32

Home 24.10.

S.V.

p.8 cf — Issued interim answer to H.C.O. on 26.10.32

U.O.W.S.

Please see the extract from the proceedings of the Legislative Council at p.6 cf. No action is called for on it. The Board's reply to the O.M. at pp. 2-3 cf may be awaited till 7.1.33. The Board has been reminded to-day.

6/12/32

6/12/32

6/12/32

~~Issued on 6/12/32~~

From the Board of Revenue (Rys.) Rt. No. 135 D/10-1-1933.

U.O.W.S. ~~Issued~~ ~~received~~ ~~with~~

Please see

(1) the H.C.O. at p. 1 cf.,

(2) the O.M. to the Board at pp. 2-3 cf

(3) the interim answer at p. 6 cf.,

and,

(4) the Board's proceedings at pp. 7-8 cf.

2. There is a slight discrepancy between the figures noted in the Bd. & the statement at pp. 13-15 cf. According to the statement, 19 complaints appear to have been filed, as against 17 noted in the Bd. The statement shows that in 2 cases information is not available but the Board states that information is not available

pp. 13-15 cf numbered (1) to (19) + p.8 cf

pp. 13-15 cf numbered in reference

in 4 cases. Submitted that it does not appear necessary to consult the Board with regard to this discrepancy. It will be seen from the Bd's letter that we now have all the material for a reply to the M.L.C & a reply may be given if he repeats the question. No action is called for on this file & the papers may, it is submitted, be recorded.

26/25/4

19.1.33
J.

Thro' E
18/1/33

Whether any particular piece of land is the property of Govt. as road foreshore (or road) or private property is a question to be decided on the evidence

20.

C.S. 20/1/33

Dft to Govt
2
Circ 20.1.33.

G o w. S.

& the following draft order is for approval.

Grant 1146 d 25.1.33
Recorded.

24.1.33

close
27/1/33

23/1/33